

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRENT MORRIS,

Plaintiff(s),

vs.

BOYD GAMING CORPORATION, et al.,

Defendant(s).

Case No. 2:16-cv-02416-GMN-NJK

ORDER

(Docket No. 34)

Pending before the Court is a motion to stay discovery pending resolution of Defendants' motion to dismiss or for summary judgment. Docket No. 34; *see also* Docket No. 5 (motion to dismiss).¹ Plaintiff has filed a response in opposition. Docket No. 37. The Court finds the motion properly resolved without a hearing. *See* Local Rule 78-1. For the reasons discussed below, the motion to stay is hereby **GRANTED**.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The party seeking a stay carries the heavy burden of making a strong showing why discovery should be denied. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda*

¹ The motion is brought by all appearing Defendants, except Defendant Rachel Martines. Ms. Martines has made only a limited appearance to set aside the entry of default. Docket No. 20.

1 *Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to
2 stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the
3 potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken
4 a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that the plaintiff
5 will be unable to state a claim for relief. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D.
6 Nev. 2013).²

7 The Court finds these standards met in this case, and therefore **STAYS** discovery pending
8 resolution of the motion to dismiss or for summary judgment at Docket No. 5. In the event the order
9 resolving that motion does not result in the disposition of this case, the parties shall file within 14 days
10 thereof a joint status report regarding whether discovery should proceed and, if so, a schedule for
11 discovery.

12 IT IS SO ORDERED.

13 DATED: December 21, 2016

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16 NANCY J. KOPPE
17 United States Magistrate Judge
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27 ² Conducting this preliminary peek puts the undersigned in an awkward position because the assigned
28 district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*,
278 F.R.D. at 603. The undersigned’s “preliminary peek” at the merits of that motion is not intended to
prejudice its outcome. *See id.*